

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ORLANDO LEBRON,

Plaintiff,

-vs-

Case No. 11-CV-753

ROXANNE KLARKOWSKI,
NURSE PATRICE HUTZLER,
NURSE KELLY DEGROOT,
and CORPORAL VOSTER,

Defendants.

ORDER

On August 14, 2012, the plaintiff filed a motion for extension of time due to a loss of paperwork during a recent prison transfer. He does not specify the length of extension he is seeking. However, as set forth below, the plaintiff subsequently filed another motion for extension of time and this one will therefore be denied as moot.

On August 23, 2012, the plaintiff filed motion for discovery in which he requests that the court direct the defendants to send the plaintiff discovery. He also filed a motion for extension of time to the discovery deadline so that he may obtain and review the information.

Although Federal Rule of Civil Procedure 37 permits the court to compel discovery, the party seeking such discovery must complete several steps before court

intervention is appropriate. The party seeking discovery must first direct his request to the opposing party. If the opposing party fails to provide the materials, the party must then “confer[] or attempt[] to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action.” Civ. L. R. 37 (E.D. Wis.). If the party is still unable to obtain discovery, he may file a motion to compel discovery with the court pursuant to Fed. R. Civ. P. 37(a). Such motion must be accompanied by a written statement that the he conferred or attempted to confer with the person or party failing to make disclosure or discovery in an effort to obtain it without court action. Fed. R. Civ. P. 37(a).

The motion before the court appears to be the plaintiff’s initial request for discovery. As he has not indicated that he made any such prior demand of the defendants or engaged in the required personal consultation, court action would be premature.

Lastly, the plaintiff has set forth sufficient justification to extend the deadline for the completion of discovery. He will also be granted additional time to respond to defendants’ motion for summary judgment, which was filed on August 23, 2012.

IT IS THEREFORE ORDERED that the plaintiff’s motion for extension of time (Docket #29) is **denied as moot**.

IT IS FURTHER ORDERED that the plaintiff’s motion for discovery (Docket #31) is **denied**.

IT IS FURTHER ORDERED that the plaintiff’s motion for extension of time

(Docket #31) is **granted**. The deadline for the completion of discovery will extended until **November 9, 2012**. The plaintiff's response to the defendants' motion for summary judgment is due on or before **December 10, 2012**.

Dated at Milwaukee, Wisconsin, this 6th day of September, 2012.

SO ORDERED,



HON. RUDOLPH T. RANDA
U. S. District Judge